Notice of Allowability 09/439,740 Examiner		Application No.	Applicant(s)	
Notice of Allowability Examiner Gabriele E. BUGAISKY 1653		00/439 740	FUNK ET AI	
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith for previously mailed, is a Notice of National Proviously mailed, in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initial of the Office or upon potition by the applicant. See 37 CFR 1.131 and MPEP 1308. 1. ☑ This communication is responsive to the amendment of 12/2003. 2. ☑ The allowed claim(s) isears 32:39, 42:60. 3. ☐ The drawings filed on are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3. ☐ Cortified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the cortified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received:	Notice of Allowability			
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or proviously mailed), a Notice of Allowance (PTOL-95) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiat of the Office or upon polition by the applicant. See 37 CFR 1.131 and MPEP 1308. 1.		Gabriele E. BUGAISKY	1653	
2. ☑ The drawings filled on are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* o) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: 5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. (a) ☐ The translation of the foreign language provisional application has been received. 6. ☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application has been received. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements note blow. Faiture to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLY. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 8. ☑ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☑ to Paper No Including changes required by the Proposed drawing correction filed, which has been approved by the Examiner. (b) ☐ including changes required by the proposed drawing correction filed, which has been approved by the Examiner. (c) ☐ inclu	All claims being allowable, PROSECUTION ON THE MERITS I herewith (or previously mailed), a Notice of Allowance (PTOL-8: NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT	S (OR REMAINS) CLOSED in 5) or other appropriate commu RIGHTS. This application is s	this application. If not included nication will be mailed in due course	
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some color of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. (a) ☐ The translation of the foreign language provisional application has been received. 6. ☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application bate Sheet. 37 CFR 1.78. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements note below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLY. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 8. ☑ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☑ to Paper No. 11. (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labele		<u>12/2003</u> .		
a) All b) Some* c) None of the: 1. Cortified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received:	3. The drawings filed on are accepted by the Examir	ner.		
2.	-	under 35 U.S.C. § 119(a)-(d) c	r (f).	
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received:	 Certified copies of the priority documents ha 	ve been received.		
* Certified copies not received:	Certified copies of the priority documents ha	ve been received in Applicatio	n No	
* Certified copies not received:	Copies of the certified copies of the priority of	locuments have been received	in this national stage application fro	om the
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. (a) ☐ The translation of the foreign language provisional application has been received. 6. ☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was include in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements note below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLY. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 8. ☑ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☑ to Paper No. 11. (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d). DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's Comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) □ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL. Attachment(s) □ Notice of References Cited (PTO-892) □ Notice of Draftperson's Patent Drawing Review (PTO-948) 3☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 □ Capacity of Paper No. 1002 □ Capacity of Paper No. 1002 □ Capacity of Paper No. 1002 □ Deposity of Pa	, , , , , , , , , , , , , , , , , , , ,			
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. (a)	_			
6.	reference was included in the first sentence of the specifi	cation or in an Application Dat	a Sheet. 37 CFR 1.78.	cific
in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements note below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLY. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. SOURCECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No. 11. (b) including changes required by the proposed drawing correction filed , which has been approved by the Examiner. (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. 10. Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d). DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding Review (PTO-948) Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 Notice of Draftperson's Patent Drawing Review (PTO-948) Solution of Information Disclo		· ·		
below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE 7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No. 11. (b) ☐ including changes required by the proposed drawing correction filed ☐, which has been approved by the Examiner. (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d). 9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1☐ Notice of Praftperson's Patent Drawing Review (PTO-948) 3☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5☐ Other 6☐ Interview Summary (PTO-413), Paper No 7☐ Examiner's Amendment/Comment 8☐ Examiner's Statement of Reasons for Allowance 9☐ Other			r 121 since a specific reference was	included
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 8.				
(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☒ to Paper No. 11. (b) ☐ including changes required by the proposed drawing correction filed, which has been approved by the Examiner. (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d). 9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1☐ Notice of References Cited (PTO-892) 2☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5☐ Other 6☐ Interview Summary (PTO-413), Paper No 7☒ Examiner's Statement of Reasons for Allowance of Biological Material				E OF
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d). 9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1☐ Notice of References Cited (PTO-892) 2☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 8☐ Examiner's Statement of Reasons for Allowance of Biological Material	(a) including changes required by the Notice of Draftspe		(PTO-948) attached	
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d). 9. □ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1□ Notice of References Cited (PTO-892) 2□ Notice of Draftperson's Patent Drawing Review (PTO-948) 3⊠ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4□ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5□ Notice of Informal Patent Application (PTO-152) 6□ Interview Summary (PTO-413), Paper No 7⊠ Examiner's Amendment/Comment 8□ Examiner's Statement of Reasons for Allowance of Biological Material	(b) \square including changes required by the proposed drawing	correction filed, which	has been approved by the Examine	er.
each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d). 9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1 Notice of References Cited (PTO-892) 2 Notice of Draftperson's Patent Drawing Review (PTO-948) 3 Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4 Examiner's Comment Regarding Requirement for Deposit of Biological Material 5 Notice of Informal Patent Application (PTO-152) 6 Interview Summary (PTO-413), Paper No. 7 Examiner's Amendment/Comment 8 Examiner's Statement of Reasons for Allowance of Biological Material	(c) including changes required by the attached Examine	er's Amendment / Comment or	in the Office action of Paper No	•
Attachment(s) 1☐ Notice of References Cited (PTO-892) 2☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5☐ Notice of Informal Patent Application (PTO-152) 6☐ Interview Summary (PTO-413), Paper No 7☑ Examiner's Amendment/Comment 8☐ Examiner's Statement of Reasons for Allowance of Biological Material				of
1 Notice of References Cited (PTO-892) 2 Notice of Draftperson's Patent Drawing Review (PTO-948) 3 Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4 Examiner's Comment Regarding Requirement for Deposit of Biological Material 5 Notice of Informal Patent Application (PTO-152) 6 Interview Summary (PTO-413), Paper No 7 Examiner's Amendment/Comment 8 Examiner's Statement of Reasons for Allowance of Biological Material				ıe
2☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 6☐ Interview Summary (PTO-413), Paper No 7☑ Examiner's Amendment/Comment 8☐ Examiner's Statement of Reasons for Allowance 9☐ Other Gabriele E. BUGAISKY	Attachment(s)			
3⊠ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 1002 4□ Examiner's Comment Regarding Requirement for Deposit of Biological Material 7⊠ Examiner's Amendment/Comment 8□ Examiner's Statement of Reasons for Allowance 9□ Other Gabriele E. BUGAISKY	1☐ Notice of References Cited (PTO-892)	5 ☐ Notice of Info	rmal Patent Application (PTO-152)	
Paper No. 1002 4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 8☐ Examiner's Statement of Reasons for Allowance of Biological Material 9☐ Other Gabriele E. BUGAISKY	· · · · · · · · · · · · · · · · · · ·		nmary (PTO-413), Paper No	
4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 8☐ Examiner's Statement of Reasons for Allowance 9☐ Other Gabriele E. BUGAISKY		^{U8}), 7⊠ Examiner's A	mendment/Comment	
Art Unit: 1653	4☐ Examiner's Comment Regarding Requirement for Deposit		Gabriele E. BUGAISKY Primary Examiner)

Application/Control Number: 09/439,740

Art Unit: 1653

EXAMINER'S COMMENT

The information disclosure statement submitted 10/2002 was not yet matched with the file at the last Action. Reference B12 has been crossed out as it is already of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriele E. BUGAISKY whose telephone number is (571) 272-0945. The examiner can normally be reached on Tues.- Fri 8:15 AM-1:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher SF Low can be reached on (571) 272-0951. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0700.

(Qabriele E. BUGAISKY Primary Examiner Art Unit 1653